

**RICHMOND POLICE DEPARTMENT GENERAL ORDER**

NOTE: This directive is for internal use only, and does not enlarge an employee's civil liability in any way. It should not be constructed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

Chapter 6	Number 15	Effective Date 01/24/11	Review Date 2014
Subject POLICING PLAYGROUNDS, PARKS AND RESTRICTED USE OF THE JAMES RIVER			☐ New Order ☒ Replaces G.O. 6-15, (03/07/06)
References VLEPSC ADM.02.03 and ADM.25.01g Code of City of Richmond- Sections 26-382, 26-383 and 66-312			
 _____ Chief of Police or Designee 01/24/11 _____ Date			

I. PURPOSE

The purpose of this directive is to establish the policy and procedure for policing the City's playgrounds, parks and other recreation areas, including the James River.

II. POLICY

It is the policy of the Richmond Police Department to provide a safe and secure environment for patrons of the City's playgrounds, parks and other recreation areas, including the James River through patrol and enforcement of the City Code.

III. ACCOUNTABILITY STATEMENT

All employees are expected to fully comply with the guidelines and timelines set forth in this general order. Failure to comply will result in appropriate corrective action. Responsibility rests with the Division Commander to ensure that any violations of policy are investigated and appropriate training, counseling and/or disciplinary action is initiated.

IV. PROCEDURE**A. Patrolling the City's Parks, Playgrounds and Other Recreational Areas:**

1. In each Precinct, the assigned sector officer shall be responsible for patrolling the parks, playgrounds and recreational sites located in his/her sector area.
2. Requests from outside the Department for intensified police patrols at any playground or park facility will be referred to a supervisor in the Precinct where the affected playground, park or recreational site is located.

B. Hours of Operation of Parks/Penalty for Violations:

All public parks, playgrounds and recreational areas of the City shall be open at sunrise and close at sunset each day of the year except those listed below. Violations shall constitute a Class 4 Misdemeanor.

Exceptions:

1. Ancarrow's Boat Ramp (open for fishing and boat launching/retrieval only, after dark at all hours. Relevant gear must be evident and persons outside of cars.)
2. Mountain bikers with headlights and helmets may cross James River Park areas on foot paths after dark on way to retrieve vehicles from parking lots. ***Additionally, mountain bikers who are participants in the "Park Watch Program" for James River Park may "patrol" on the park trails up to 10:00 p.m. provided they have completed the required police training course.***

C. Occupancy at Other Times:

1. All lighted recreational facilities such as seasonal recreation centers, playgrounds, ball diamonds, tennis courts, park houses and other lighted recreational areas shall open at sunrise and close at sunset, except during the period April 1 to October 31 each year, when they shall open at sunrise and close at 10:30 p.m.
2. The recreational grounds, including and immediately adjacent to the Byrd Park fountain lake, shall open at 5:00 a.m. and close at 12:00 midnight year round.
3. The Director of Parks, Recreation and Community Facilities or designee may issue permits or other forms of written authorization to allow individuals to use any recreation or park site at other times than ordinarily would be allowed. In addition, the Director of Parks, Recreation and Community Facilities or designee may also close any recreation or park site at anytime, providing that reasonable notice of the fact and the duration of the closing are given to the public.
4. It shall be unlawful for any person other than a police officer of the City or State, an employee of the Department of Parks, Recreation and Community Facilities acting in the scope of employment, or any other City employee acting in the scope of employment and having an authorization from the Director of Parks, Recreation and Community Facilities to go on, into or to occupy a public park, playground or recreation facility or area during hours that it is officially closed. A copy of such authorization shall be forwarded to the Officer-In-Charge (***OIC***) of the affected Precinct in which the recreational area is located.

D. Nina Abady Park (Festival Park):

1. Nina Abady Park shall be open to the public from 7:00 a.m. to 3:00 a.m. of the following morning. No person shall enter or remain on the grounds of this park during the hours of 3:00 a.m. to 7:00 a.m.
2. Restrictions – Signs, where posted, shall indicate the prohibitions for that area.

E. Restrictions for Other City Parks, Playgrounds and Other Recreational Areas:

Where posted, signs shall indicate what the prohibitions are for that area.

F. Procedure for Excluding Persons from any City Park, Playground or Recreational Facility:

In accordance with the provisions in the City Code, Section 26-382, persons failing to maintain good conduct or ceasing to be amenable to the efforts of Parks, Recreation and Community Facilities staff to secure such good conduct, shall be required to leave the playground, park or recreational facility when requested and shall not be permitted to return to any such area operated or conducted by the City until permission is obtained, in writing, from the Director of Parks, Recreation and Community Facilities. Violations constitute a Class 1 Misdemeanor.

1. The officer may give an individual a warning or make an arrest. If the nature of the offense is such that the individual should be excluded from the playground, park or recreational facility, the officer shall advise the person of the City's "Exclusion Process".
2. If the individual is excluded, the officer shall compile a PD-117, "Exclusion from any City Recreation Site Form", give a copy to the excluded individual, and forward for distribution.

The PD-117 shall be distributed as follows:

1. Excluded Individual;
2. Director, Parks, Recreation and Community Facilities Department;
3. Warrant and Information Service Unit; *and*,
4. Arresting Officer.

G. Exclusion Process:

1. Upon receipt of a PD-117, the Director of Parks, Recreation and Community Facilities or designee shall inform the accused individual, in writing, that he/she is prohibited from entering or occupying any City of Richmond recreation site until such time as indicated in the Director's letter, in accordance with City Code, Section 26-383. (The time limit for the exclusion is based upon the nature of the offense.) A copy of the Director's letter shall

be forwarded to the Police Information Desk to be filed. The individual's PD-117 form shall be destroyed once the exclusion has been rescinded.

2. In order to have the exclusion rescinded at its expiration date, the accused individual must make an appointment to meet with the Director of Parks, Recreation and Community Facilities or designee. If the Director of Parks, Recreation and Community Facilities or designee rescinds the exclusion, the individual shall receive a letter denoting *the* same. A copy of the Director's letter shall be forwarded to the Police Information Desk to be filed. The accused individual's PD-117 form shall be destroyed, once the exclusion is rescinded.
3. If an officer makes an arrest at a recreational site or observes an individual at a recreational site from which the officer suspects the individual has been excluded, the officer shall contact the Police Information Desk to determine if the individual has a valid PD-117 form on file.
4. If it is determined by the Police Information Desk personnel that the accused individual has a PD-117 on file and the date of the exclusion is still valid, the officer shall arrest the individual for trespassing, which constitutes a Class 1 Misdemeanor.
5. If the Police Information Desk personnel do not find a PD-117 for said individual or the exclusion has been rescinded by the Director of Parks, Recreation and Community Facilities and the nature of the present offense is such that the individual should be excluded, the officer shall arrest the individual for the present offense, if applicable, and fill out a PD-117 form and distribute as indicated on the form.

H. Restricted Use of the James River (Richmond City Code **66-312**):

1. It shall be unlawful for any person to operate a vessel on, in or otherwise enter the waters of the James River for recreational or other activities between the west City limits and the City locks when the river reaches five (5) feet or higher, as measured on the Westham Gauge, unless they are wearing a Coast Guard approved personal flotation device. When the water level reaches nine (9) feet or above, a permit must be issued by the Chief of Fire and Emergency Services for persons to be on or in the James River.
2. Permits for the James River:

Conditions – When the river level is nine (9) feet or above, the following conditions must be met:
 - a. Each boater must have prior experience paddling Class V rapids and first time boaters should be accompanied by a boater with experience on the James River.
 - b. Wear a life jacket.
 - c. The minimum group size shall be three boats.

- d. Rafters and kayakers must be equipped with a rescue line and first aid kit per group.
- e. Rafting and kayaking permits are valid for a period of two (2) years.

NOTE: Professional rafting companies who have been issued a permit via Parks, Recreation and Community Facilities must meet these minimum requirements and provide insurance naming the City of Richmond as an additionally insured party.

- 3. Any person violating this section shall be guilty of a misdemeanor and shall be punished by a fine of not more than one hundred dollars (\$100.00) for each such violation and in addition, be ordered to reimburse the City at the rate of one hundred fifty-five (\$155.00) per hour for expenses incurred in rescue operations necessitated by the violation.
- 4. If an officer is dispatched to the scene of a river rescue, the officer shall ascertain the river level and make the appropriate arrest, if a City Code has been violated. River level can be ascertained by requesting the Division of Emergency Communications (DEC) to contact Marine Forecasts for water levels and/or recordings from the National Weather Service for flooding events or officers may call 646-8228 to obtain river level at specified times of day (6 a.m., 12 p.m. and 6 p.m.).

V. **FORMS**

PD-117, Exclusion from any City Recreation Site